

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Plaintiff(s)

John J. Davit

v.

08CV3725

JUDGE CASTILLO

MAGISTRATE JUDGE COX

Defendant(s)

Attorney William Stogdill, Jr.  
Attorney Joseph Birkett  
Cathy C. Davit  
Officer Stowe / Lisle Police

COMPLAINT - \* See Attachment

**RECEIVED**

Jun 30 2008

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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

NOW COMES THE PLAINTIFF, John J. Davit, citing violations of color of law against the state's

attorney office of Joseph Birkett for malicious prosecutions, wrongful imprisonment, extortion, concealment of evidence, retaliation, coercion, defamation of character, and slander. Plaintiff Davit cites case # 03 DV 899 in DuPage County court of law, Judge Brian McKillup presiding.

This case typifies the extent of corruptive behavior that exudes from the courtrooms of the DuPage County courthouse under the auspices of the state's attorney office of Joseph Birkett. His own Prosecutors made-up false charges of violation of order protection against the Plaintiff and then had the Lisle Police department arrest Plaintiff in full view of his youngest daughter in the Plaintiff's former Lisle residence of 1923 Hillside Lane, and then and there illegally and maliciously arrest said Plaintiff Without identifying the cause for the arrest or stating to the Plaintiff his Miranda rights before being arrested under false pretense. That Plaintiff question the Lisle police officer Stowe as to why he was being arrested, and officer Stowe gave no reply but instead reached for the Plaintiff's right arm to place him in handcuffs without any indication as to why he was being arrested. Plaintiff Davit pulled his arm away from the officer knowing this once "again" another malicious act placed upon by his ex-wife Cathy Davit and her Law firm of William Stogsdill, Jr. That officer only told plaintiff his charge of violation of order of protection after he (Stowe), conferred with immediate supervisor at the Lisle Police station. Plaintiff Davit was now being additionally being charged with "resisting arrest".

The absurdity of this case would grow substantially from this point forward, showing fully and Without question, the plan and format laid-out was premeditated, predicated, malicious, wrongful, retaliatory, and criminal in it's intent against Plaintiff Davit by and through his ex-wife Cathy Davit, the lawyers of the law firm of William Stogsdill, Jr., including Mr. Stogdill himself, the Lisle police department, the state's attorney's office, and Judge Brian McKillup.

That the Plaintiff was incarcerated for 3 days over the holiday weekend awaiting his release from a judge appearance setting his bond at \$5000, for a crime he did not commit.

The Plaintiff, due to "indigent status", was assigned public defender Jacqueline Darcey for his defense. She conferred with him immediately to plead guilty to all charges, (as planned), and the Judge would then sentence him to "just a probationary period of one year." Plaintiff stated no. That he was not guilty of any charges and, as such, was not pleading guilty to any scam that the Dupage County court system had devise against him, with, through, and by the named Defendants.

Another public defender, attorney Jeffrey Escobar, was brought into the case after Plaintiff's refusal to plead guilty, and this attorney too, attempted coercion unto the Plaintiff as did attorney Darcey, and once again, Plaintiff steadfastly refused and ask to proceed to trial under a called jury of 12 peers.

As the trail date came and selection of the jury members was shown to the Plaintiff, he would notice the peculiarity of the selection and the selection process, as he had been forewarned that many times the jury selection in DuPage County is "fixed". And as it turned out, it was.

Upon the selection process, attorney Darcey suggested this person over that person and as such, Plaintiff was again questioning the process itself, and its' outcome of jury person selection. (later to find out his thoughts were correct when they found him guilty.)

As the trial began, 2 young state prosecutors began asking "silly questions" that directed plaintiff's defense of his helping his daughter secure her bicycle in the driveway, to overall violation of an order of protection, that had no base or foundation to begin with. Add to the fact that 2 motions of liminae were allowed under Judge McKillup in this case that would have proven the Plaintiff not guilty, and then add and allowed the illegal testimony of his ex-wife stating she was there in the driveway, when she was clearly NOT. Add then, the illegal testimony of the Lisle police Officer Stowe, verifying That "yes she was in the driveway as he pulled up in his squad car, and then she proceeded into the house after his arrival", clearly demonstrates to anyone the malicious prosecution style of the courts, the judicial system of DuPage County, and the office of Joseph Birkett. Attorney Willaim Stogsdill, was a former prosecuting attorney under Joseph Birkett. That the Plaintiff was sentenced to 3 days in jail and 40 hours of community service upon an illegal conviction by the courts of DuPage County, Wheaton, Il.

The case would further demonstrate its' corrupted and criminal behaviors, when an appellate attorney would step up for the defense of Plaintiff Davit, and place an appeal to the appellate courts in Elgin, Illinois to have his case over-turned. Appellate attorney Kim DeWitt accomplished such, and the appellate court of Dupage County reversed the decision of guilty as so ruled illegally by Judge Brian McKillup and the office of Joseph Birkett, demonstrating once again, the corruption of his office and the DuPage County Courts. That Birkett himself, would then have his office try and fail to have the appellate decision reversed by the Illinois Supreme Court, (wasting large sums of tax payers dollars for this criminal behavior), and once again demonstrates the appalling stature of lawlessness that does exist in Dupage County court system under Joseph Birkett. *(See Ex. (A))*

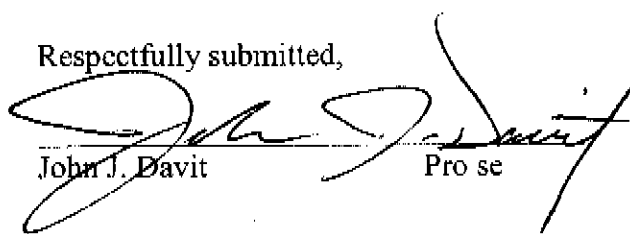
That to this very day, March 7, 2008, Plaintiff Davit has been, once again, illegally charged, fine, and attempted to wrongfully be imprisoned by yet another criminal attorney of Joseph Birkett's office, attorney Nancy Griffin. She and her accomplice, Ms. Patsy Reset, plan, scheme, and conspire illegal charges of child-support payments, that were proven false in Oct. 2006, but had the evidenced concealed by Ms. Griffin in the courtroom of a Judge John Demling, who denied the Plaintiff his civil rights to due process and had such then incarcerated him to the Dupage County jail having his evidence concealed by attorney Griffin.

That at present, before any new ruling could be bestowed (illegally again on this Plaintiff), he filed with the DuPage County court system, a "motion for change of venue into the Cook County courts", due to prejudice and ongoing criminal bias of the DuPage County Courts, Joseph Birkett, and his staff of personnel. That the Plaintiff has made 3 attempts, in 3 court dates, by the "new" Judge Timothy McJoynt, and had received no compliance. Instead, JUDGE MCJOYNT, has tried to, once again, illegally ruled against the Plaintiff, to pay child-support arrearages, \$914.00, when no evidence was there to support such rulings, and when a motion for change of venue stood in his way from any ruling whatsoever. That concealed evidence by attorney Griffin, of \$8000, was being illegally denied by the court system and all judges in order to conceal RICO violations, Federal case # 03 C 4883, which is still prudent and available as evidence in a "normal law abiding court", under a second RICO filing, soon to come.

AS SUCH, IN CONCLUSION, THE PLAINTIFF, John J. Davit, under request for a jury trial of 12 peers, and with added evidence of his request for change of venue into the Cook County Court of Law from the DuPage County System, Plaintiff Davit is seeking the following damages against said defendants so named as follows:

1. COMPENSATORY DAMAGES: \$ 25,000  
For malicious prosecution, false imprisonment, defamation of character, emotional distress, coercion, duress, slander, and harassment.
2. PUNITIVE DAMAGES: \$ 25,000  
For continual ongoing malicious prosecution and emotional distress for the Plaintiff and His four children: Rebecca, Alexandra, Jonathan, and Jessica.

Respectfully submitted,

  
John J. Davit

Pro se

John J. Davit  
6234 W. Patterson St.  
Chicago, Illinois 60634  
630-362-8848

\* Date: June 30 , 2008

**NOTICE**

The text of this opinion may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

No. 2--04--0931

**FILED**

JUN 30 2006

ROBERT J. MANGAN, CLERK  
APPELLATE COURT 2nd DISTRICT

IN THE  
APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

**PUBL IN FULL**

THE PEOPLE OF THE STATE  
OF ILLINOIS,

Plaintiff-Appellee,

v.

JOHN J. DAVIT,

Defendant-Appellant.

) Appeal from the Circuit Court  
) of Du Page County.

No. 03--DV--899

) Honorable  
) Brian R. McKillip,  
) Judge, Presiding.

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JUN 30 2006

**SAAP SECOND DISTRICT**

JUSTICE HUTCHINSON delivered the opinion of the court:

Following a jury trial, defendant, John J. Davit, was convicted of resisting a peace officer (720 ILCS 5/31--1 (West 2002)) and violating an order of protection (720 ILCS 5/12--30 (West 2002)). He was sentenced to concurrent one-year terms of conditional discharge and 40 hours of public service, with an additional sentence of 48 hours' periodic imprisonment imposed on the resisting-a-peace-officer conviction. (On appeal, defendant contends that he was not proved guilty beyond a reasonable doubt of violating the order of protection. We agree with defendant and reverse his conviction of and sentence for violating the order of protection. ) \*\*\*

At trial, the State introduced into evidence a certified copy of an order of protection entered by the circuit court of Du Page County on June 5, 2002, and in effect until June 5, 2004. The order of protection prohibited defendant from having certain enumerated contacts with his former spouse, Cathy Davit, and their three minor children, Rebecca, Jessica, and Alexander. The order of protection